

Military & Veteran Affairs Committee

**Wednesday, April 5, 2006
2:00 PM – 3:00 PM
24 HOB**

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Speaker Allan G. Bense

Military & Veteran Affairs Committee

Start Date and Time: Wednesday, April 05, 2006 02:00 pm

End Date and Time: Wednesday, April 05, 2006 03:00 pm

Location: 24 HOB

Duration: 1.00 hrs

Consideration of the following bill(s):

HB 397 Veterans' Day by Davis, D.

HB 1153 Concealed Weapons by Coley

Presentation by Department of Veterans' Affairs

Agency Update – Rocky McPherson, Executive Director

NOTICE FINALIZED on 04/03/2006 14:37 by Welcher.Stephanie

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 397

Veterans' Day

SPONSOR(S): Davis

TIED BILLS:

IDEN./SIM. BILLS: SB 354

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) PreK-12 Committee	8 Y, 0 N	Beagle	Mizereck
2) Military & Veteran Affairs Committee		Marino	Cutchins
3) Education Appropriations Committee			
4) Education Council			
5) _____			

SUMMARY ANALYSIS

House Bill 397 requires all school districts to recognize Veterans' Day as a holiday, to be celebrated on November 11, and that no classes are to be held on that day, except for a declared state emergency. If November 11 falls on a Saturday or Sunday, the bill provides that districts may observe the school holiday on the weekday immediately following or preceding that weekend so as to correspond with the federal observance of Veterans' Day holiday. School districts currently have discretion to designate dates for the observance of school holidays.

This bill does not appear to have a fiscal impact.

This bill takes effect July 1, 2006.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide Limited Government -- This bill requires school districts to observe November 11 as the Veterans' Day holiday. School districts currently have discretion to designate dates for the observance of school holidays.

B. EFFECT OF PROPOSED CHANGES:

Present Situation:

School Calendars

Current Florida law requires each district school board to establish an annual instructional calendar for all schools within the district. The law also grants each school district the authority and flexibility to determine its own school calendar based on local considerations and input.

Each school district is directed by rule to adopt an annual calendar prior to the beginning of each fiscal year, and must file it with the Department of Education (DOE) (6A-10.019, F.A.C.). By rule, the calendar must support the following objectives:

- Minimal loss of time between student exit from one public institution and entry into another;
- Opportunity for students to move through the educational system at their respective paces;
- Opportunity for school personnel to utilize in-service and continuing education;
- Opportunity for effective and efficient utilization of resources;
- Opportunity for family activities; and
- Flexibility to implement calendar decisions.

District school boards are responsible for designating dates for the start and end of the school year, school holidays and vacation periods, and inservice and teacher planning days.¹

The law also specifies certain required instruction. One such required instruction is on patriotism, and the law requires each school district to conduct programs pertaining to the contributions and sacrifices that veterans have made in serving our country on or before Veteran's Day and Memorial Day.²

Beyond the requirements to support these objectives, there are no limitations on the school board-adopted calendar. During the 2005-06 school year a total of 48³ school districts observed Veterans' Day as a school holiday, down from 50⁴ the year before.

Veterans' Day

In 1921, an unknown World War I American soldier was buried in Arlington National Cemetery. Similar ceremonies occurred earlier in England and France, where an unknown soldier was buried in each nation's highest place of honor (in England, Westminster Abbey; in France, the Arc de Triomphe). These memorial services all took place on November 11, the anniversary of the end of World War I at 11:00 a.m., November 11, 1918 (the 11th hour of the 11th day of the 11th month), which became

¹ Section 1001.42(4), F.S.

² Section 1003.42(2)(r), F.S.

³ Florida Department of Education, Bureau of Education Information and Accountability Services, Statistical Brief: School District Calendars 2005-2006 available at <http://www.firn.edu/doe/eias/eiaspubs/pdf/calendar.pdf>.

⁴ Florida Department of Education, Bureau of Education Information and Accountability Services, Statistical Brief: School District Calendars 2004-2005.

known as Armistice Day. Armistice Day officially became a holiday in the United States in 1926, and a national holiday 12 years later. On June 1, 1954, the name was changed to Veterans' Day to honor all U.S. veterans.

Effect of Proposed Changes:

House Bill 397 requires each school district to observe November 11, Veterans' Day, of each year as a holiday and that no classes are to be held for any reason except for a declared state emergency. There does not appear to be any other similar calendar requirement under current law.

Nineteen school districts did not observe Veterans' Day as a school holiday during FY 2005-06. Because school funding is tied to a formula that factors instructional hours as a variable, the provisions of this bill would require those school districts that do not currently set aside November 11 as a holiday to begin their calendars a day early or end them a day later in order to meet funding requirements. Additionally, any of these school districts that may have used November 11 as a day dedicated to meeting the required instruction provision for patriotism under s. 1003.42(2)(r), F.S., would need to reconsider how to meet that requirement under this bill.

The provision regarding the declared state emergency exception is unclear and may cause confusion for district school boards. One district school board may interpret the language to mean that classes may not be held on November 11 unless on that day there is a declared state emergency. Another district school board may interpret the language to mean that November 11 may be used as a makeup day in case a declared state emergency caused school closings earlier in the school year.

The bill also provides that the observance of Veteran's Day correspond with federal observance when November 11 falls on a Saturday or Sunday.

This bill takes effect July 1, 2006, which may cause problems for district school boards that have already submitted their next year's school calendars to the DOE.

C. SECTION DIRECTORY:

Section 1. Creates an unnumbered section of law requiring school districts to observe Veteran's Day.

Section 2. Provides an effective date of July 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

This bill does not appear to have a fiscal impact on state government revenues.

2. Expenditures:

This bill does not appear to have a fiscal impact on state government expenditures.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

This bill does not appear to have a fiscal impact on local government revenues.

2. Expenditures:

This bill does not appear to have a fiscal impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill does not appear to have a fiscal impact on the private sector.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds. This bill does not reduce the percentage of a state tax shared with counties or municipalities. This bill does not reduce the authority that municipalities have to raise revenues.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The effective date of the bill is July 1, 2006. School calendars for the 2006-2007 school year will have been determined and published prior to the effective date. Some school districts will have to revise their calendars and notify their communities.

The "declared state emergency" exception may need to be clarified in order to reduce confusion for district school boards trying to understand and comply with the law.⁵

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

None.

⁵ The Department of Education 2006 Bill Analysis on HB 397 also made a note of the confusing language of this provision. Analysis on file with Committee on Military & Veteran Affairs.

HB 397

2006

1 A bill to be entitled
 2 An act relating to Veterans' Day; requiring school
 3 districts to observe Veterans' Day; prohibiting holding
 4 classes on that day; providing an exception; requiring the
 5 date of the Veterans' Day observance to correspond with
 6 the federal holiday; providing an effective date.

7
 8 Be It Enacted by the Legislature of the State of Florida:

9
 10 Section 1. Each school district must observe November 11
 11 of each year as the Veterans' Day holiday. Classes may not be
 12 held on such holiday for any reason except for a declared state
 13 emergency. If November 11 falls on a Saturday or Sunday, a
 14 school holiday shall be observed on a weekday immediately
 15 following or preceding that weekend so as to correspond with the
 16 date that Veterans' Day is observed as a federal holiday.

17 Section 2. This act shall take effect July 1, 2006.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 397

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

Council/Committee hearing bill: Military & Veteran Affairs
Representative(s) Davis, D. offered the following:

Amendment (with directory and title amendments)

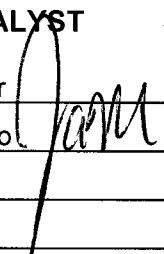
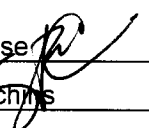
Remove line(s) 17 and insert:

Section 2. This act shall take effect July 1, 2007.

000000

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1153 **Concealed Weapons**
SPONSOR(S): Coley and others
TIED BILLS: **IDEN./SIM. BILLS:** SB 1290

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Agriculture Committee</u>	<u>10 Y, 0 N</u>	<u>Kaiser</u> 	<u>Reese</u> 
2) <u>Military & Veteran Affairs Committee</u>	<u></u>	<u>Marino</u>	<u>Cutchins</u>
3) <u>State Resources Council</u>	<u></u>	<u></u>	<u></u>
4) <u></u>	<u></u>	<u></u>	<u></u>
5) <u></u>	<u></u>	<u></u>	<u></u>

SUMMARY ANALYSIS

The Department of Agriculture and Consumer Services (department) authorizes the issuance and renewal of licenses to carry concealed weapons or firearms to persons qualified under the provisions of the Florida Statutes¹. A licensee who fails to renew his/her license on or before the expiration date must pay a \$15 late fee in order to renew the license. A license is deemed permanently expired, and will not be renewed, if 6 months or more have lapsed since its expiration. A person seeking renewal after permanent expiration must submit an application, an \$85 fee, and the documentation required under the weapons and firearms chapter of the Florida Statutes². The department currently makes every effort to accommodate active military personnel in the renewal of licenses without charging the late fee if license holders can show their military service impeded the renewal process.

The bill requires the department to extend the renewal period an additional 180 days for a concealed weapons permit if the license holder is serving in Operation Enduring Freedom or Operation Iraqi Freedom on the date the license expires.

This legislation has no fiscal impact on state or local government. The effective date of this legislation is July 1, 2006.

¹ s. 790.06, F.S.

² Chapter 790, F.S.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Safeguard individual liberty: The bill provides an additional 180 days for renewal of a license to carry a concealed weapon for a licensee serving on active duty in any branch of the United State Armed Services and who is participating in Operation Enduring Freedom or Operation Iraqi Freedom.

B. EFFECT OF PROPOSED CHANGES:

Current Situation

The Department of Agriculture and Consumer Services (department) authorizes the issuance and renewal of licenses to carry concealed weapons or firearms to persons qualified under the provisions of s. 790.06, F.S. The license is valid for a period of five years from the date of issuance, and must be carried, along with valid identification, when the license holder is carrying his/her firearm in a concealed manner. The license and identification must be displayed to law enforcement officers upon demand. Violations of these provisions are a noncriminal violation with a fine of \$25.³

The department is required to notify a licensee no later than 90 days prior to the expiration date of his/her license. The notification is by mail and includes a renewal form. License holders are required to notify the department of permanent address changes or after having a license lost or destroyed. Notification must take place within 30 days of either event. Failure to notify the department results in a noncriminal violation that carries a \$25 fine for either offense.

A licensee who fails to renew his/her license on or before the expiration date must pay a \$15 late fee in order to renew the license. A license is deemed permanently expired, and will not be renewed, if 6 months or more have lapsed since its expiration. A person seeking renewal after permanent expiration must submit an application, an \$85 fee, and the documentation required under s. 790.06(5), F.S.

The department currently makes every effort to accommodate active military personnel in the renewal of licenses without charging the late fee if license holders can show their military service impeded the renewal process.

Effect of Proposed Changes

The bill requires the department to extend the renewal period an additional 180 days for a concealed weapons permit if the license holder is serving in Operation Enduring Freedom or Operation Iraqi Freedom on the date the license expires.

C. SECTION DIRECTORY:

Section 1: Amends s. 790.06, F.S.; provides for an additional 180 days for renewal of license to carry a concealed weapon for licensee serving on active duty in any branch of the United States Armed Services and who is participating in Operation Enduring Freedom or Operation Iraqi Freedom.

Section 2: Provides an effective date of July 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

³ s. 790.06(1), F.S.

2. Expenditures:

None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill would eliminate additional costs incurred by the public in renewing concealed weapons permits after the expiration date of the license.

D. FISCAL COMMENTS:

Although the Department of Agriculture and Consumer Service may not collect late fees from individuals who would benefit from the provisions of the bill, it would not fiscally impact the department due to the current practice of waiving late fees for military personnel whose military duty impedes the renewal process.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require counties or municipalities to take an action requiring the expenditure of funds, does not reduce the authority that counties or municipalities have to raise revenues in the aggregate, and does not reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

None

HB 1153

2006

A bill to be entitled

An act relating to concealed weapons; amending s. 790.06, F.S.; providing that a licensee who is serving on active duty in any branch of the United States Armed Services and who is participating in Operation Enduring Freedom or Operation Iraqi Freedom on the date of the expiration of the license has an additional 180 days following the date the licensee returns to Florida in which to renew his or her license to carry a concealed weapon or a concealed firearm; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (11) of section 790.06, Florida Statutes, is amended to read:

790.06 License to carry concealed weapon or firearm.--

(11) No less than 90 days before ~~prior to~~ the expiration date of the license, the Department of Agriculture and Consumer Services shall mail to each licensee a written notice of the expiration and a renewal form prescribed by the Department of Agriculture and Consumer Services. The licensee must renew his or her license on or before the expiration date by filing with the Department of Agriculture and Consumer Services the renewal form containing a notarized affidavit stating that the licensee remains qualified pursuant to the criteria specified in subsections (2) and (3), a color photograph as specified in paragraph (5)(e), and the required renewal fee. However, if a licensee is serving on active duty in any branch of the United

HB 1153

2006

29 States Armed Services and is participating in Operation Enduring
30 Freedom or Operation Iraqi Freedom on the date of the expiration
31 of the license, the licensee has an additional 180 days
32 following the date the licensee returns to this state in which
33 to renew his or her license to carry a concealed weapon or a
34 concealed firearm. Out-of-state residents must also submit a
35 completed fingerprint card and fingerprint processing fee. The
36 license shall be renewed upon receipt of the completed renewal
37 form, color photograph, appropriate payment of fees, and, if
38 applicable, a completed fingerprint card. Additionally, a
39 licensee who fails to file a renewal application on or before
40 its expiration date must renew his or her license by paying a
41 late fee of \$15. A ~~No~~ license may not ~~shall~~ be renewed 6 months
42 or more after its expiration date, and this ~~such~~ license is
43 ~~shall be~~ deemed to be permanently expired. A person whose
44 license has been permanently expired may reapply for licensure;
45 however, an application for licensure and fees under ~~pursuant to~~
46 subsection (5) must be submitted, and a background investigation
47 shall be conducted pursuant to ~~the provisions of~~ this section. A
48 person ~~Persons~~ who knowingly files ~~file~~ false information under
49 ~~pursuant to~~ this subsection is ~~shall be~~ subject to criminal
50 prosecution under s. 837.06.

51 Section 2. This act shall take effect July 1, 2006.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 1153

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

Council/Committee hearing bill: Military & Veteran Affairs
Representative(s) Coley offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Subsection (11) of section 790.06, Florida
Statutes, is amended to read:

790.06 License to carry concealed weapon or firearm.--

(11) (a) No less than 90 days before ~~prior to~~ the
expiration date of the license, the Department of Agriculture
and Consumer Services shall mail to each licensee a written
notice of the expiration and a renewal form prescribed by the
Department of Agriculture and Consumer Services. The licensee
must renew his or her license on or before the expiration date
by filing with the Department of Agriculture and Consumer
Services the renewal form containing a notarized affidavit
stating that the licensee remains qualified pursuant to the
criteria specified in subsections (2) and (3), a color
photograph as specified in paragraph (5)(e), and the required
renewal fee. Out-of-state residents must also submit a completed
fingerprint card and fingerprint processing fee. The license
shall be renewed upon receipt of the completed renewal form,

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

23 color photograph, appropriate payment of fees, and, if
24 applicable, a completed fingerprint card. Additionally, a
25 licensee who fails to file a renewal application on or before
26 its expiration date must renew his or her license by paying a
27 late fee of \$15. A No license may not shall be renewed 180 days
28 6 months or more after its expiration date, and this such
29 license is shall be deemed to be permanently expired. A person
30 whose license has been permanently expired may reapply for
31 licensure; however, an application for licensure and fees under
32 pursuant to subsection (5) must be submitted, and a background
33 investigation shall be conducted pursuant to the provisions of
34 this section. A person Persons who knowingly files file false
35 information under pursuant to this subsection is shall be
36 subject to criminal prosecution under s. 837.06.

37 (b) A license issued to a servicemember, as defined in
38 250.01, shall be subject to paragraph (11)(a); however, such a
39 license shall not expire while the servicemember is serving on
40 military orders, which take him or her over 35 miles from his or
41 her residence, and shall be extended for up to 180 days after
42 his or her return to his or her residence. If the license
43 renewal requirements in paragraph (11)(a) are met within the
44 180-day extension period, the servicemember shall not be charged
45 any additional costs, such as, but not limited to, late fees or
46 delinquency fees, above the normal license fees. The
47 servicemember must present to the department a copy of his or
48 her official military orders or a written verification from the
49 member's commanding officer before the end of the 180-day period
50 in order to qualify for the extension.

51 Section 2. This act shall take effect July 1, 2006.

52
53 ===== T I T L E A M E N D M E N T =====

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

54 Remove the entire title and insert:
55 An act relating to concealed weapons; amending s. 790.06,
56 F.S.; providing that a concealed weapon or firearm license
57 of a servicemember serving on military orders away from
58 their residence shall not expire until 180 days after the
59 date the servicemember returns from serving on military
60 orders; providing an effective date.